

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MARIBELLE PEDROSA,

Plaintiff

v.

GENESIS HEALTHCARE, LLC, SUNBRIDGE
HEALTHCARE, LLC, both d/b/a MILFORD
CENTER,

Defendants.

Civil Action No.

NOTICE OF REMOVAL

Defendants Genesis HealthCare LLC and SunBridge Healthcare, LLC (“Defendants”) file this Notice of Removal in accordance with 28 U.S.C. §§ 1332, 1441, and 1446 and hereby removes this action from the Superior Court of the Commonwealth of Massachusetts, Worcester County (the “Superior Court”) to the United States District Court for the District of Massachusetts. As its reasons for removal, Defendants state as follows:

1. On or about February 9, 2016, plaintiff Maribelle Pedrosa commenced a civil action against Defendants in the Worcester County Superior Court titled *Maribelle Pedrosa v. Genesis Healthcare, LLC, SunBridge Healthcare, LLC, both d/b/a Milford Center*, Case Number 1685CV00185 (the “Pending Action”).

2. Defendants received a copy of the Complaint in the Pending Action on February 16, 2016 via certified mail. Therefore, this Notice of Removal is timely. See 28 U.S.C. §1446(b).

3. This Court has diversity jurisdiction over the Pending Action pursuant to 28 U.S.C. § 1332 because the parties are citizens of different states and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

4. Plaintiff Maribelle Pedrosa is a resident of Woonsocket, Providence County, Rhode Island. See Complaint ¶ 2.

5. Genesis HealthCare LLC is a Delaware corporation with a principal place of business in Kennett Square, Chester County, Pennsylvania. SunBridge Healthcare, LLC is a New Mexico corporation with a principal place of business in Kennett Square, Chester County, Pennsylvania.

6. Because Plaintiff is a citizen of Rhode Island and the named defendants are not citizens of Rhode Island, complete diversity of citizenship exists in the Pending Action.

7. Although Plaintiff's Civil Action Cover Sheet specifies damages in excess of \$50,000, there is more than a reasonable probability that the amount in controversy in this case exceeds \$75,000.00, exclusive of interest and costs. In her Complaint, Plaintiff seeks the full panoply of damages available to her under Massachusetts General Laws Chapter 151B, including back pay and lost benefits, emotional distress damages, punitive damages, front pay, and attorney's fees. See Compl. Prayer for Relief. Plaintiff claims that she was discharged because of her race/ethnicity. If Plaintiff prevails at trial on this claim, she could recover an award of back pay and front pay in excess of \$75,000, without even accounting for her alleged emotional distress damages or attorneys' fees. As a result, there is more than a reasonable probability that the amount in controversy in this case exceeds \$75,000.00, exclusive of interest and costs. Accordingly, this Court has jurisdiction over the Pending Action pursuant to 28 U.S.C. § 1332(a).

8. Attached hereto as Exhibit 1 is true and correct copy of all pleadings (including the Summons and Complaint) filed in the Pending Action. See 28 U.S.C. § 1446(a).

9. The Pending Action is properly removed to this Court under 28 U.S.C. §§ 1441 and 1446 because it is pending in Worcester County, Massachusetts, which lies within this District.

10. A true and complete copy of this Notice of Removal has been served this day by overnight mail upon the Clerk of the Superior Court for filing in accordance with 28 U.S.C. § 1446(d). A copy of the Notice of Filing of Notice of Removal is attached hereto as Exhibit 2, the original of which is being filed with the Worcester County Superior Court Civil Clerk. This Notice of Removal and a Notice of Filing of Notice of Removal have also been served this day via first class mail upon Plaintiff's counsel.

11. By filing this Notice, Defendants do not waive their right to object to service of process, the sufficiency of process, jurisdiction over the person, or venue, and specifically reserve the right to assert any defense and/or objections to which it may be entitled.

Respectfully submitted,

GENESIS HEALTHCARE LLC AND
SUNBRIDGE HEALTHCARE, LLC,

By their attorneys,

/s/ Ilisa S. Clark

Ilisa S. Clark (BBO No. 558672)

LITTLER MENDELSON, P.C.

One International Place, Suite 2700

Boston, MA 02110

(617) 378-6000 (t)

(617) 737-0052 (f)

isclark@littler.com

Dated: March 10, 2016

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of March, 2016, a true and accurate copy of this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and sent via first class mail to unregistered participants, including the attorney of record for plaintiff:

Burton E. Rosenthal, Esq.
James A.W. Shaw, Esq.
Paige W. McKissock, Esq.
SEGAL ROITMAN, LLP
111 Devonshire Street, 5th Floor
Boston, MA 02109

/s/ Ilisa S. Clark

Ilisa S. Clark

Firmwide:139198841.1 050738.1228